

1211-AC07582

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IN THE CIRCUIT COURT
ST. CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

VINCENT STEVISON

Plaintiff,

v.

MEDICAL DATA SYSTEMS, INC.
d/b/a MEDICAL REVENUE SERVICE

Defendant.

Serve Defendant at:
CSC-Lawyers Incorporating Service Company
221 Bolivar Street
Jefferson City, Missouri 65101

Case No.

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, Vincent Stevison, and for his Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d).

PARTIES

4. Plaintiff is a natural person currently residing in St. Peters, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

5. Specifically, Plaintiff believes the alleged debt arose from medical services.

6. Defendant is a foreign corporation with its principal place of business in Vero Beach, Florida. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTS

8. On or about September 4, 2012, Plaintiff reviewed his credit report and noticed Defendant had made a report.

9. Plaintiff, wanting to know more about the situation, called Defendant that day.

10. During the September 4 call, Defendant made repeated threats of litigation, including stating that an undefined "they" would "involuntarily take out [Plaintiff's] money."

11. Plaintiff told Defendant that his only income was from Social Security.

12. Despite this, Defendant persisted in its litigation threats, stating that this "they" would "proceed against you for the money, that I can guarantee you."

13. Defendant's litigation threats were hollow. Defendant had neither the authority to sue nor intention of suing Plaintiff.

14. Defendant's threats were also completely false. Defendant cannot attach or garnish Plaintiff's Social Security Income through involuntary legal processes.

15. Plaintiff never entered into any agreement whereby he consented to arbitrate disputes between himself and Defendant.

16. Defendant's above-described conduct has caused Plaintiff to incur actual damages including but not limited to anxiety, sleeplessness, and worry.

COUNT I: VIOLATIONS OF THE FDCA

17. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

1b. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 et. seq., including, but not limited to, the following:

a. Using false, deceptive, and misleading representations in connection with the collection of the alleged debt, including but not limited to threatening to take action that cannot legally be taken or that is not intended to be taken. 15 U.S.C. § 1692a.

b. Using unfair and oppressive means to attempt to collect the alleged debt. 15 U.S.C. § 1692d-1.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against

Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC

s/ Richard A. Voytas

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